

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

JOSEPH PAPIN

PLAINTIFF

V.

CIVIL ACTION NO. 3:17-CV-763-KHJ-FKB

UNIVERSITY OF MISSISSIPPI  
MEDICAL CENTER

DEFENDANT

ORDER ON DEPOSITION OBJECTIONS

<b>Plaintiff's Objections<sup>1</sup></b>	<b>From</b>	<b>To</b>	<b>Objection</b>	<b>Ruling</b>
Sid Desai	11:15	11:25	Hearsay	Sustained
Steven Bondi	37:7	39:11	Hearsay	Sustained
Megan Mahoney	24:12	25:14	Hearsay; Lacks foundation	Sustained
	26:24	29:3	Hearsay	Overruled
	29:20	31:5	Hearsay	Overruled
	33:16	35:15	Hearsay	Sustained as to 34:16–35:3
	36:12	37:2	Hearsay; Speculation; Lacks foundation	Overruled
	37:14	39:5	Hearsay; Speculation; Lacks foundation	Overruled
	45:24	46:15	Hearsay	Overruled
	47:1	47:25	Hearsay; Lacks foundation	Overruled
	54:1	54:15	Hearsay; Lacks foundation	Overruled
	54:18	54:25	Hearsay; Lacks foundation	Overruled
	55:10	56:7	Hearsay	Overruled
	57:8	58:2	Hearsay	Sustained
	58:9	59:3	Hearsay	Overruled
	59:10	60:1	Hearsay; Speculation; Lacks foundation	Overruled
	60:16	60:24	Hearsay; Speculation	Overruled

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<sup>1</sup> The parties must raise objections to the witnesses' unavailability at trial. The Court reserves ruling on unavailability objections for purposes of trial until then.

	77:25	79:6	Hearsay	Overruled
	101:12	102:17	Hearsay	Sustained
	112:20	114:24	Hearsay; Speculation	Overruled
	118:9	119:5	Hearsay; Speculation; Lacks foundation	Overruled
	122:7	123:20	Hearsay	Sustained as to 123:13–16
	126:21	127:25	Hearsay	Overruled
	140:25	151:23	Hearsay; Speculation; Relevance; Lacks foundation	Sustained as to 140:25–148:15
Kisha Dyse	72:23	74:14	Hearsay; Speculation; Lacks foundation	Overruled
Aimee Sundeen	None			
Richard Barr	75:14	75:22	Speculation; Lacks foundation	Sustained as to 75:19–22
	75:23	76:15	Hearsay; Speculation; Lacks foundation	Overruled
	81:13	81:23	Hearsay; Speculation; Lacks foundation	Overruled
	82:24	83:6	Speculation; Lacks foundation	Sustained
	112:22	113:4	Speculation; Lacks foundation	Sustained
Patricia Whitlock	26:5	26:21	Speculation; Lacks foundation	Overruled
	31:3	31:15	Hearsay; Lacks foundation	Overruled
	88:3	88:7	Hearsay; Lacks foundation	Overruled
	88:23	89:11	Hearsay	Sustained
	189:19	190:25	Lacks foundation	Overruled
Elizabeth Tooney	None			
<b>Defendant's Objections</b>	<b>From</b>	<b>To</b>	<b>Objection</b>	<b>Ruling</b>
Richard “Rick” Barr, M.D.	32:3	34:18	Lacks foundation; Calls for opinion	Overruled

	46:4	46:11	Lacks foundation; Lacks completeness	Overruled
	51:3	51:11	Lacks foundation; Calls for opinion	Overruled
	53:17	56:2	Calls for speculation; Calls for opinion; Lacks foundation; Lacks completeness	Overruled
	57:22	58:12	Lacks foundation; Calls for speculation and opinion; Lacks completeness	Sustained
	62:8	66:8	Relevance	Sustained as to 62:8–63:6
	68:22	69:3	Lacks foundation; calls for speculation; lacks completeness	Sustained
	78:11	79:4	78:11–17: Lacks foundation; Calls for opinion; Calls for speculation  78:23–79:4: Lacks foundation; Assumes facts not in evidence	Overruled
	82:8	82:23	Lacks foundation; Assumes facts not in evidence; Calls for opinion	Overruled
	88:16	89:19	Lacks foundation; Assumes facts not in evidence; Asked and answered; Calls for speculation	Sustained as to 88:22–89:7
	93:15	94:12	Lacks foundation; Assumes facts not in evidence; Asked and answered; Calls for speculation	Overruled
	107:17	107:20	Hearsay; Completeness	Overruled
	108:19	109:23	Lacks foundation; Assumes facts not in evidence	Overruled
Meagan Mahoney, MD	21:18	22:15	Hearsay; Completeness	<i>Withdrawn 9/27/22</i>
	23:7	23:11	Hearsay; Completeness	<i>Withdrawn 9/27/22</i>
	29:4	29:14	Hearsay; Completeness	Overruled
	39:6	39:9	Relevance; Hearsay; Completeness	Overruled

	40:5	41:6	Relevance; Hearsay; Completeness	Overruled
	45:20	45:23	Hearsay; Completeness	Overruled
	46:16	47:3	Hearsay; Completeness	Overruled
	53:14	53:25	Hearsay; Completeness	<i>Withdrawn 9/27/22</i>
	57:7	57:22	Hearsay; Completeness	Sustained
	66:17	68:19	Hearsay; Completeness	Overruled
	69:2	69:8	Hearsay; Completeness	Overruled
	69:18	70:17	Hearsay; Completeness	Overruled
	71:4	71:21	Hearsay; Completeness	Overruled
	73:23	76:12	Hearsay; Completeness	Overruled
	76:25	77:24	Hearsay; Completeness	Overruled
	79:7	81:4	Hearsay; Completeness	Overruled
	82:16	83:11	Hearsay; Completeness	Overruled
	84:7	84:21	Hearsay; Completeness	Overruled
	87:25	87:9 [Sic]	Hearsay; Completeness	Overruled
	87:18	90:14	Hearsay; Completeness	Overruled
	93:22	94:2	Hearsay; Completeness; Calls for Speculation	Overruled
	95:15	96:17	Hearsay; Completeness	Overruled
	97:7	98:2	Hearsay; Completeness	Overruled
	98:14	100:7	Hearsay; Completeness	<i>Withdrawn 9/27/22</i>
	100:24	101:11	Hearsay; Completeness	Sustained as to 101:8–11
	102:18	103:8	Hearsay; Completeness	Overruled
	114:25	115:8	Hearsay; Completeness; Calls for speculation; Lack of Foundation	Overruled
	120:22	122:6	Hearsay; Completeness; Relevance	Overruled
	123:21	125:13	Relevance	Overruled
	152:17	152:22	Completeness; Relevance	Overruled
	154:24	155:21	155:18–155:21: Foundation; Relevance; Calls for speculation	Overruled
Steven Bondi, M.D.			<i>*Defendant objects to the entire deposition testimony of</i>	Overruled

			<i>Steven Bondi on grounds of relevance</i>	
	16:9	16:18	Relevance	Overruled
	21:4	21:18	Relevance; Calls for opinion; Assumes facts not in evidence; Lack of foundation	Sustained
	25:8	30:18	Relevance	Overruled
	32:20	33:12	Lack of foundation; Lack of completeness; Hearsay; Relevance	Sustained
	34:6	35:9	Relevance; Calls for improper opinion	Sustained as to 34:25–35:9
	36:10	37:24	Relevance; Lack of completeness; Hearsay	Sustained as to 37:7–24
	44:3	44:23	Relevance	Overruled
	49:2	49:5	Relevance	Overruled
	51:16	53:11	Relevance; Calls for attorney-client privileged information	Sustained
	60:17	60:20	Relevance; Hearsay; Lack of Completeness	Overruled
	66:21	67:1	Relevance; Hearsay; Lack of completeness	Overruled
	71:8	71:12	Relevance; Speculation; Foundation	Sustained
	79:5	80:25	Relevance; Calls for speculation; Lack of foundation	Sustained
	85:1	85:10	Relevance; Lack of completeness	Sustained
	86:16	87:19	Relevance; Lack of completeness; Calls for speculation	Sustained
	122:1	122:7	Relevance; Lack of foundation	Overruled
	124:20	126:21	Relevance	Overruled
	129:12	129:20	Relevance	Overruled
	138:8	141:6	Relevance	Overruled
	151:15	153:3	Relevance; Lack of foundation; Hearsay	Overruled
	154:12	154:21	Relevance; Lack of completeness; Hearsay	Overruled

	158:13	159:9	Relevance; Lack of foundation	Sustained as to 159:7–9
	163:21	166:18	Relevance; Hearsay	Sustained
	168:18	173:3	Relevance; Hearsay	Overruled
	175:4	175:22	Relevance	Sustained
	177:11	177:22	Relevance; Lack of foundation; Calls for improper opinion; Assumes facts not in evidence	Sustained
	178:7	179:12	Relevance; Calls for improper opinion	Sustained
Sid Desai	9:21	10:5	Relevance; Foundation	Overruled
	10:14	10:25	Relevance; Foundation	Sustained as to 10:19–25
	11:10	11:14	Relevance; Foundation	Overruled
	12:10	12:18	Relevance; Foundation; Asked and Answered	Sustained
Kisha Dyse	30:10	31:9	Completeness	Overruled
	31:20	32:15	Completeness	Overruled
	34:6	34:17	Hearsay; Completeness	Overruled
	37:7	37:21	Hearsay; Completeness	Overruled
	38:22	41:15	Hearsay; Completeness	Overruled
	42:2	42:15	Hearsay; Completeness	Overruled
	43:5	43:16	Hearsay; Completeness	Overruled
	46:9	46:18	Hearsay; Completeness	Overruled
	47:9	48:6	Hearsay; Completeness	Overruled
	48:10	51:5	Hearsay; Completeness	Overruled
	53:4	53:7	Hearsay; Completeness	Overruled
	58:17	59:15	Hearsay; Completeness	Overruled
	60:10	60:20	Completeness	Overruled
	63:17	64:11	Hearsay; Completeness	Overruled
Pat Whitlock	18:15	21:14	Lack of foundation; Calls for speculation	Overruled
	24:1	26:4	Lack of foundation; Calls for speculation; Calls for opinion	Overruled
	32:6	35:2	Hearsay; Completeness	Overruled

	36:25	47:23	Completeness; Lack of Foundation; Calls for opinion; Calls for speculation	Overruled
	48:1	50:1	Hearsay; Completeness	Overruled
	50:9	57:4	Hearsay; Completeness	Overruled
	61:9	75:3	Hearsay; Completeness	Overruled
	75:11	85:23	75:14–76:17: Hearsay; Completeness 77:5–78:25: Form; Foundation; Calls for opinion; Calls for speculation 79:1–85:23: Hearsay; Completeness	75:14–76:17: Overruled 77:5–78:25: Sustained 79:1–85:23: Overruled
	86:13	87:3	Hearsay; Completeness	Overruled
	90:8	91:12	Hearsay; Completeness	Sustained
	108:10	119:3	Relevance	Sustained
	128:1	130:9	Hearsay; Completeness	Overruled
	131:1	132:23	Hearsay; Completeness; Lack of foundation; Calls for speculation	Sustained
	151:13	153:25	Lack of foundation; Calls for speculation	Overruled
	162:5	163:21	Lack of foundation; Calls for speculation; Relevance	Sustained
	175:7	177:2	Lack of foundation; Calls for speculation; Calls for opinion	Sustained
	179:2	189:17	Hearsay; Completeness; Lack of Foundation	Sustained
	192:10	194:8	Lack of foundation; Calls for speculation; Calls for opinion	Overruled
	194:20	197:25	Hearsay; Completeness; Lack of foundation; Assumes facts not in evidence	Sustained as to 194:20–24; 195:23–196:18; 197:17–25
	201:9	202:15	Hearsay; Completeness; Lack of Foundation	Overruled
	202:24	204:17	Hearsay; Completeness; Lack of Foundation	Overruled
	216:21	218:7	Hearsay; Completeness; Lack of Foundation; Calls for speculation	Overruled

Elizabeth Toony	20:6	20:9	Lack of foundation; Calls for speculation; Calls for opinion	Overruled
	26:20	27:22	26:20–25: Completeness; Calls for speculation; Lack of foundation	Overruled
	22:14  (33:14)	24:3 [Sic]  (34:3)	Hearsay; Completeness; Lack of Foundation	Overruled